

Hotel and Restaurant Laws of Ohio

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ISSUED BY
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LAWS

Providing for Inspection and Licensing of Hotels and Restaurants

(General Code of Ohio)

SEC. 843. There is hereby created in the department of the state fire marshal of the state of Ohio a division of said department to be known as the hotel division, and to be administered as hereinafter set forth. The state fire marshal is hereby authorized and required to make such rules and regulations as are necessary to carry out the provisions of this act. With his deputies and assistants he shall enforce the provisions herein set forth. He shall give a bond to the state in such amount as may be fixed by the Governor.

Hotel Defined

SEC. 843-1. Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the

accommodation of such guests, and having one or more dining rooms or cafes where meals or lunches are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or in buildings in connection therewith, and every building or other structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests, in which five or more rooms are used for the accommodation of such guests, shall, for the purpose of this act, be deemed a hotel.

Restaurant Defined

SEC. 843-2. Every building or other structure kept, used, maintained, advertised or held out to the public to be a place where meals or lunches are served for consideration, without sleeping accommodations, shall, for the purpose of this Act, be defined to be a restaurant.

Must Be Licensed

SEC. 843-3. On or before May first, nineteen hundred and twenty and the first day of January in each year thereafter, every person, firm or corporation now engaged in the business of conducting a hotel or restaurant,

or both, in all cities and villages of this state and who shall hereafter engage in conducting such business, in such cities and villages, shall procure a license for each hotel or restaurant so conducted or proposed to be conducted; provided, that one license shall be sufficient for each combined hotel and restaurant where both are conducted in the same building and under the same management. No hotel or restaurant shall be maintained and conducted in any city or village in this state after the taking effect of this act without a license therefor. A person, firm or corporation who has received a license as aforesaid, upon the sale or disposition of said hotel or restaurant or the removal to a new location may, upon obtaining consent of the state fire marshal, have said license transferred but no license shall be transferred without his consent.

Provided, however, that a license to maintain and operate a hotel shall not be issued to the keeper, owner or lessee of any hotel, nor the keeper or owner of a rooming or boarding house, where accommodations for assignation purposes are furnished, nor to any keeper, owner, or lessee who has been convicted of keeping a place in violation of the law relating to houses of assignation or places of public nuisance.

Nothing in this act shall be construed to apply to family hotels, apartment houses, lodging houses, rooming houses, or dining or sleeping cars, hospital or college dormitories, but a license shall be issued for any such hotel or house, upon application, in the manner and form provided with respect to hotels, and upon the payment of a like license fee, and thereupon such license shall be deemed and held to be subject to the provisions of this act, and entitled to all the benefits and privileges subject to all the obligations and penalties thereof.

Schedule of License Fees

SEC. 843-4. The fee for the period of May first, nineteen hundred and twenty to January first, nineteen hundred and twenty-one, and the annual fee thereafter for a license to conduct a hotel or restaurant in any city or village in this state shall be as follows:

For hotel, dining room and restaurant combined, or hotel without a restaurant, containing less than fifteen sleeping rooms, five dollars; for all hotels containing fifteen or more and less than fifty sleeping rooms, ten dollars; for all hotels containing fifty or more and less than two hundred sleeping rooms, fifteen dollars; for all hotels containing two hundred or more and less than four hundred

sleeping rooms, twenty dollars; for all hotels containing four hundred or more sleeping rooms, twenty-five dollars; for all restaurants in any city or village where no hotel license is granted, and where said restaurant is separate from the management of a hotel and has a seating capacity of less than twenty-five persons, three dollars; and when such restaurant has a seating capacity of twenty-five or more persons, five dollars.

Each fee must be paid to the state fire marshal before such license is issued and such fee shall be paid into the state treasury and placed to the credit of the special fund for maintenance of the office of the state fire marshal.

Where a license has been issued to a hotel or restaurant the same shall be kept in the office of such hotel or restaurant or displayed in a conspicuous and public manner therein. Such license may be cancelled by the state fire marshal at any time when for violation of any law or regulation of a board of health.

Sanitary Provisions

SEC. 843-5. In every hotel or restaurant the person, firm or corporation operating which is required to have a license by the provisions of this Act, the kitchen, dining-room, cellar, office, ice boxes, refrigerators

and all places where foods are prepared, kept or stored, shall be kept clean and in a sanitary condition. The toilets and out-closets shall, at all times be kept in a clean and sanitary condition in such restaurants and hotels. All garbage, tin cans and kitchen refuse must be kept in a tight, metal can with a lid encircling the top of the can and said contents must be removed once daily. The dining-rooms, kitchen and pantries where food is kept, stored or served, must be thoroughly screened from flies and insects. Serving tables, trucks, trays, boxes, buckets, knives, saws, cleavers, and other utensils and machinery used in moving, handling, cutting, chopping, mixing or serving foods are required to be thoroughly sterilized daily by hot water or steam, and thoroughly cleaned and the clothes and hands of cooks, stewards, waiters and persons handling food must be clean and sanitary.

Food On Display

In all restaurants and hotels where food is on display the same shall have full protection from dust, dirt, flies and vermin by being kept under a glass case.

Employees Must Be Healthy

SEC. 843-6. No person suffering from or afflicted with tuberculosis, a venereal or a contagious disease shall be employed in or about any part of a restaurant or its kitchen, or handle food stuffs or products used therein, and the state fire marshal or his deputies shall have the power to compel a person handling food stuffs in any restaurant or hotel to present a certificate from a reputable physician showing him or her to be free from any infectious or contagious disease.

Inspections and Alterations

SEC. 843-7. It is hereby made a duty of the state fire marshal to inspect or cause to be inspected, at least once annually, every hotel and restaurant which comes within the provisions of this act, and for that purpose he shall have the right of entry thereto at any reasonable time. Whenever, upon such inspection, it shall be found that such business and property so inspected is not being conducted, or is not equipped in the manner and condition required by the provisions of this act or the health laws of this state, it shall thereupon be the duty of the state fire marshal to notify the owner, proprietor or agent in

charge of such business, or the owner or agent of the building so occupied, of such changes or alterations as may be necessary to effect a complete compliance with the provisions of this act, or the health laws of the state. It shall therefore be the duty of such owner, proprietor or agent in charge of such business to make such alterations or changes as may be necessary and put such building and premises in such condition that will fully comply with the requirements of this act within thirty days after being notified by the state fire marshal.

Penalty for Non-Compliance

SEC. 843-8. Whoever shall fail or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor and shall be subject to a fine of ten dollars for each day that such violation is continued. If any such violation continue for more than thirty days, the state fire marshal may revoke the license of such person, firm or corporation upon hearing and notice as hereinafter provided and close the building or premises for use as such hotel or restaurant until all the provisions of this act shall be complied with.

Plumbing, Lighting and Ventilation

SEC. 843-9. Every hotel and restaurant in this state shall have proper plumbing, lighting and ventilation which shall conform to the provisions of the building code so far as they apply.

Toilet Accommodations

SEC. 843-10. In all cities and villages where a system of waterworks and sewerage is maintained for public use, every hotel and restaurant coming under this act shall within six months after the taking effect of this act be equipped with a sufficient number of suitable water closets for the accommodation of its guests, which water closets shall be ventilated and connected by proper plumbing with such sewerage system. All lavatories, bathtubs, sinks, drains, closets and urinals in such hotels or restaurants shall be properly constructed and shall be kept clean and well ventilated at all times. Separate apartments shall be furnished for different sexes, each being properly designated.

Fresh Bed Linen For Each Guest

SEC. 843-11. All hotels shall provide each bed, bunk, cot or other sleeping place for the use of guests with pillow slips and under and

top sheets. Such top sheets shall be at least ninety inches in length. Such sheets and pillow slips shall be made of white cotton or linen, and all such sheets and pillow slips, after being used by one guest, shall be washed and ironed before being used by another guest.

Rooms and Appurtenances to Be Kept Clean

SEC. 843-12. All bedding, including mattresses, quilts, blankets, pillows, sheets and comforts used in any hotel or rooming house in this state must be thoroughly aired, disinfected and kept clean; and no bedding which is infected with vermin or bedbugs shall be used on any bed in any hotel or rooming house. All floors, carpets and equipment in hotels and restaurants, and all walls and ceilings shall be kept in a clean and sanitary condition at all times.

Fumigation After Contagious Diseases

SEC. 843-13. When any room has been occupied by any person having an infectious or contagious disease, such room shall not be used again until thoroughly fumigated and the bedding and pillows therein disinfected.

Must Not Sleep Where Foodstuffs Are Kept or Prepared

SEC. 843-14. No cot, bed or bunk may be kept or used for sleeping purposes in any room in which foodstuffs are prepared or cooked.

Notices to Be Served in Writing

All notices to be served by the state fire marshal, provided for in this act, shall be in writing and shall be either delivered personally or by the United States mail addressed to the owner, agent, lessee or manager of such building and premises, or the owner, lessee, agent or manager of such hotel or restaurant.

Duties of Prosecuting Attorneys

SEC. 843-15. The prosecuting attorney of each county is hereby authorized and required upon complaint of the state fire marshal or other person representing him, to prosecute to termination before any court of competent jurisdiction, a proper action or proceeding against any person or persons violating any provision of this act.

Shall Accept No Gratuity

SEC. 843-16. The state fire marshal, his deputies and assistants shall accept no gift

or gratuity in any form from any hotel or restaurant under penalty of summary dismissal.

Appeal

SEC. 843-17. Upon notice and hearing, the state fire marshal may revoke any license for violation of any provision of this act. Such revocation shall not take place, however, until the state fire marshal shall have first notified such licensee in writing, calling specific attention to the infraction of this act and a reasonable time and opportunity given to reform and correct the matter complained of. If such notice proves unavailing for the correction of the same, the state fire marshal shall then fix a time and place, not sooner than five days, of which written notice shall be served upon the licensee, to show cause why the license in question should not be revoked. At such hearing, the licensee shall be entitled to be heard in person and by counsel. The licensee shall be entitled to offer evidence and to ask for a compulsory attendance of witnesses and the production of books, papers and records. The state fire marshal shall have the power to require the attendance of such witnesses and the production of books, records and papers as he or such licensee may desire at such hearing and for that purpose may issue a subpoena for any witness

or a subpoena duces tecum to compel the production of any books, records or papers, directed to any deputy or assistant in his office, or the sheriff of the county in which such witnesses reside or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in the common pleas court in criminal cases, which fees and mileage shall be paid from the fund in the state treasury for the use of the state fire marshal as hereinbefore provided. In case of disobedience of a subpoena or neglect of any subpoena served on any person or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the common pleas court of any county where such disobedience, neglect or refusal occurs, or any judge thereof, on application of the state fire marshal to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Upon the conclusion of such hearing the state fire marshal may revoke the license in question or dismiss the proceedings against such licensee. An appeal may be

taken from the action of the state fire marshal in revoking a license to the common pleas court of the county in which the place of business of the licensee is located, by filing a petition therefor in such court within ten days from the date of the fire marshal's order and giving bond to the state of Ohio in the sum of one hundred dollars with surety to the satisfaction of the clerk of such court. The hearing upon such appeal shall be entitled to be advanced out of its order on the docket. The judgment of the common pleas court may be reviewed upon proceedings in error in the court of appeals. Such court of common pleas and the court of appeals may suspend any order revoking such license pending the hearing of such courts.

If the state fire marshal shall refuse to grant a license to any person, firm or corporation, or shall refuse to permit a license already issued to be transferred as provided in section 4, the party aggrieved by such decision or refusal shall have the right to be heard upon the question as to his right to such license or to a transfer of the same, which hearing shall be had not less than ten days nor more than thirty days from the date of such refusal, and the provisions hereinbefore made for securing the attendance and

testimony of witnesses and other evidence shall be applicable in such proceeding. An appeal may be taken from the action of the state fire marshal in failing to issue said license or permit said transfer, to the court of common pleas of the county in which the place of business of the licensee is located, by filing petition in such court within ten days after the finding of said fire marshal. The hearing upon such appeal shall be entitled to be advanced out of its order on the docket and the judgment of the common pleas court may be reviewed upon proceedings in error in the court of appeals.

Schedule of Rates Shall Be Posted and Filed

SEC. 843-18. The owner or manager of each hotel shall post in a conspicuous place in each room thereof a card or sign stating the price per day of such room, and shall file with the state fire marshal a diagram or list showing the price of each room in said hotel and no advances shall be made in this schedule without twenty days' written notice to the State Fire Marshal.

(Amended Senate Bill No. 149)

AN ACT

To supplement the law which created a hotel division in the office of the state fire marshal by the addition of supplementary sections 843-1a and 843-1b of the General Code, providing against false registration.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 843-1 of the General Code be supplemented by adding sections 843-1a and 843-1b to read as follows:

Sec. 843-1a. Whoever registers for accommodations at any hotel by a false, fictitious or assumed name without first making known to the person in charge thereof his true name shall for the first offense be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00); and for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and imprisoned not more than six months, or both.

Sec. 843-1b. Any person employed by or connected with the management of a hotel, having knowledge of a false, fictitious or assumed name being registered at the hotel, and who fails, refuses or neglects to furnish information in relation thereto at any court of competent jurisdiction when called upon to do so, shall be punished as set forth in the foregoing section.

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HOTEL AND RESTAURANT LAWS OF OHIO 001

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